

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Municipal Administration & Urban Development - Karimnagar Municipal Corporation – Council Resolution No.261, Dated:28.01.1988 of the then Municipal Council, Karimnagar, for Mutation of half portion of House bearing No.4-6-70(6-52 old) existing in Karimnagar City – Cancelled - Orders – Issued.

MUNICIPAL ADMN & URBAN DEVELOPMENT (W1) DEPARTMENT

G.O.Ms.No. 563

DATED: 23/12/2011

Read the following:

- 1) From Sri Ch.Venugopal, S/o Late Ch.Laxmi Rajam, Representation, Dated : 23.03.2011.
- 2) From the Director of Municipal Administration, Hyderabad, Letter No.2563/2011/N1, Dt. 28.09.2011.
- 3) From Smt.Ch.Padmaja, W/o Sri Devunoori Shankar, H.No.3-236/B, Narsampet, Warangal District, Representation, Dt.Nil.

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ORDER:

In the reference 1st read above, Sri Chiranji Venu Gopal, resident of Karimnagar has represented with a submission that, his father Sri Chiranji Laxmi Rajam is the owner of the house bearing the Municipal H.No.4-6-52 (old), situated at Jafri Road, Karimnagar which is self acquired property of his father, purchased vide registered sale deed document No.2559, page 386, 387 book (1) Volume No.7158, Fasli 29th Mehar 13598 Fasli from one Khaja Muneeruddin, s/o Late Khaja Shamshuddin. He has further submitted that after the expiry of his father in the year 1982, himself and his brother Chiranji Srinivas are the only and absolute sole legal representatives of his father. After the demise of their father, without giving any notice to him and his brother, the Municipal Authorities of Karimnagar have willfully and illegally entered the name of Sri Ch.Lingaiah on 15.11.1984, in respect of 2/3 portion of the house in question without any document of title. After submission of representation on 14.03.1986, detailed legal opinion was obtained from the Standing Counsel Karimnagar Municipal Council and brought to the notice of the Municipal Commissioner informing about the mischief played by Sri Ch.Lingaiah. He has further submitted that based on his representation, the Regional Joint Director, Warangal had made personal inspection of the Municipal Records at Municipal Office, Karimnagar and directed the Commissioner to mutate in their name as they are the title holders and registered documents. In view of the above, Sri Chiranji Venu Gopal, has requested the Government to issue orders to mutate the house bearing No.4-6-70(-6-52 old) in his name and his brother Sri Chiranji Srinivas.

2. In the reference 2nd read above, the Director of Municipal Administration, has stated that the Commissioner, Municipal Corporation, Karimnagar has furnished a report in the matter, wherein, he has reported that, since there is a dispute in between two individuals with regard to the ancestral property, he has requested to cancel the Council Resolution, Dated: 1988, but the record pertain to 1988 cannot be traced out and since the matter is civil dispute this cannot be concluded without enquiry into with. Therefore, in the Letter Dated:29.04.2011, while enclosing the relevant documents, the Regional Director-cum-Appellate Commissioner, Warangal has been requested to conduct a detailed enquiry in the regard and to issue specific instructions to the Commissioner, Municipal Corporation, Karimnagar, for taking further action.

3. The Regional Director-cum-Appellate Commissioner, Warangal, after conducting due enquiry, has submitted his detailed report on mutation of a house in Karimnagar Municipal Corporation, wherein he has reported that, as seen from the facts of the case, the bifurcation of the property bearing No.4-6-52 into two portions and mutating a portion of the property in the name of late Chiranji Lingaiah by allotting No.4-6-52/A2 is illegal and without valid documents and that the same has not been done in accordance to the request made by the

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Chiranji Laxmi Rajyam. As seen from the file it is noticed that bifurcation of the property bearing No.4-6-52 into two portions and mutating a portion of the property in the name of late Chiranji Lingaiah by allotting No.4-6-52/A is illegal and without valid documents and that the mutation has been done ignoring the letter stated to have been written by Chiranji Laxmirajam addressing the Municipal commissioner, Karimnagar stating that the property bearing No.4-6-52 was acquired by him and not to mutate on anybody's name. In view of the above circumstances, the Regional Director-cum-Appellate Commissioner, Warangal has, requested to take immediate action to cancel the Council Resolution No.261, Dated: 28.01.1988, which supports the illegal action of the then Commissioner, Municipal Corporation, Karimnagar-vide Procs.No.A2/112/1948, Dt.30.11.1984 and cancels the corrective action taken by the Commissioner - vide Proceedings.No.2112/A2/1984, Dated: 15.09.1987 and to issue necessary direction to the Municipal Commissioner, Karimnagar, to restore the property to the legal heirs of late Chiranji Laxmirajam, who had actually acquired the property.

4. While furnishing the report of the Regional Director-cum-Appellate Commissioner, Warangal, the Director of Municipal Administration, has requested the Government to issue necessary orders, under Section 679-A of Hyderabad Municipal Corporation Act, 1955, for cancellation of Council Resolution No.261, Dated: 28.01.1988, resolved by the then Municipal Council, Karimnagar, as Government is empowered to cancel the Council Resolution passed irregularly on receipt of a representation or suo motu.

5. After careful examination of the entire matter, Government, in exercise of the powers conferred under Section 679-A of Hyderabad Municipal Corporation Act, 1955, decided to cancel the Council Resolution No.261, Dated:28.01.1988, resolved by the then Municipal Council, Karimnagar, which supports the illegal action of the then Commissioner, Municipal Corporation, Karimnagar vide Procs.No.A2/112/1948, Dated:30.11.1984 and cancels the corrective action taken by the Commissioner - vide Proceedings.No.2112/A2/1984, Dated:15.09.1987, leaving the parties to settle the dispute in appropriate forum.

6. Accordingly, in exercise of the powers conferred under Section 679-A of Hyderabad Municipal Corporation Act, 1955, the Council Resolution No.261, Dated:28.01.1988, resolved by the then Municipal Council, Karimnagar, is hereby cancelled, to restore the property to the legal heirs of late Chiranji Laxmirajam, who had actually acquired the property.

7. The Director of Municipal Administration / Commissioner, Karimnagar Municipal Corporation, shall take necessary further action, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**B.SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director of Municipal Administration, Hyderabad.

The Commissioner, Municipal Corporation, Karimnagar.

Copy to :

The Collector, Karimnagar District & Special Officer, Municipal Corporation, Karimnagar.

The Regional Director-cum-Appellate Commissioner, Warangal.

The O.S.D. to Minister for MA & U.D.

Sri Ch. Venu Gopal, S/o Late Ch.Laxmi Rajam, H.No.4-6-92, Jaffri Road, Sastri Road, Karimnagar.

Smt.Ch.Padmaja, W/o Sri Devunoori Shankar, H.No.3-236/B, Narsampet, Warangal District.

SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER